THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO.17729 of 1998

Date 28-02-2007

Between

M.Srihari Rao

……PETITIONER.

AND

The General Manager, Telecom district, Vijayawada District & others.

……..RESPONDENTS

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO.17729 of 1998

ORDER:

The petitioner filed the present writ petition assailing the notice No. VJ/L-43/96-98/47, dated 29.9.1997 issued by the 2nd respondent herein, whereunder the respondent sought to disconnect the domestic telephone bearing No. 473190 of the petitioner, as illegal and arbitrary.

The brief facts of the case are that M/s. Sai Surya Mushrooms Ltd., was having two telephone connections bearing Nos. 478343 and 482929 and the said telephone connections were disconnected by the respondents on the ground that the petitioner committed defaulted in payment of telephone bills amounting to Rs. 69,114/-. As the petitioner was the Managing Director of the said company at the relevant point of time, the respondent-authorities disconnected his domestic telephone bearing No. 47131932 also and therefore, he approached this Court by way of the present writ petition.

This Court while issuing Rule Nisi, directed the respondents not to disconnect the said telephone number. Despite the fact that notices were ordered to the respondents, the respondents have not chosen to file counter.

Learned counsel for the petitioner has drawn my attention to a judgment of this courting V.V. RAMA RAO vs. UNION OF INDIA & OTHERS([1]), wherein it is held that a company is a juristic entity and when it is the subscriber, its liability cannot be automatically transferred to its Directors. It is further held that in a private limited company, the liability of the shareholders/directors are limited and as such, they being not the subscribers of the telephone, a telephone standing in the name of the shareholder/Director cannot be disconnected by invoking Rule 443 of Indian Telegraph Rules, on account of any default in respect of the telephones of which the subscriber is a private limited company.

In the light of the said judgment, this Court is of the view that the said notice dated 29.9.1997 directing the petitioner to pay the default amount within a particular period, failing which telephone standing in the name of the petitioner also will get disconnected, is hereby set aside and the respondents are further directed not to disconnect the petitioner's telephone connection bearing No. 473190.

The writ petition is accordingly disposed of. No costs.

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(GOPALA KRISHNA TAMADA, J)

28-02-2007

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[1] 1997(1) ALD 516